

EXHIBIT 10



IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

TQ DELTA, LLC., (CAUSE NO. 2:21-CV-310-JRG
(Lead Case)
Plaintiff, (
)
vs. (
)
COMMSCOPE HOLDING COMPANY, (
INC., et al.,)
(
Defendants.)

TQ DELTA, LLC., (CAUSE NO. 2:21-CV-309-JRG
(Member Case)
Plaintiff, (
)
vs. (
)
NOKIA OF AMERICA CORPORATION, (
et al.,) MARSHALL, TEXAS
(JUNE 1, 2022
Defendants.) 9:00 A.M.

MARKMAN HEARING

BEFORE THE HONORABLE RODNEY GILSTRAP
UNITED STATES CHIEF DISTRICT JUDGE

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1 issue, it's a summary judgment infringement issue, but it does
2 stand for the general proposition that apparatus claims are
3 directed -- when they're directed to capabilities don't
4 require actual operation. And we believe that's the problem
5 with their construction. We believe that's what they're
6 advocating for--that these claims require actual operation,
7 and we respectfully request that the Court reject that
8 limitation.

9 That's all I have, Your Honor.

10 THE COURT: All right. Thank you, counsel.

11 Let me hear from the opposing parties. Go ahead,
12 Mr. Stevens.

13 MR. STEVENS: Thank you, Your Honor. Scott Stephens
14 for Defendants.

15 So the dispute that you just heard is actually not a
16 dispute in this case. We're not going to say -- to Your
17 Honor's analogy, we're not going to say that the gizmo has to
18 be taken out of the box, plugged into a wall, and actually in
19 operation. We've discussed through the meet and confer
20 process that that is not what we're saying in this case. What
21 we're saying in this case is to be configured to or operable
22 to or in operation to requires the device as shipped be able
23 to meet those claim languages; that you can't rewrite the
24 source code, change the hardware.

25 I think Mr. Davis said, if I heard him correctly, that